

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

HAWK TECHNOLOGY SYSTEMS, LLC,

Plaintiff,

v.

Case No. 4:20-cv-00184-DMB-JMV

HUDDLE HOUSE, INC.,

Defendant.

DEFENDANT HUDDLE HOUSE, INC.’S MOTION TO STAY PROCEEDINGS

Defendant Huddle House, Inc. (“Huddle House”) respectfully moves this Court to stay this case pending the completion of proceedings in a related matter pending in the United States District Court for the District of Nevada, *DTiQ Technologies, Inc. v. Hawk Technology Systems, LLC*, Case No. 20-2050. The requested stay of proceedings in this matter is supported by the “customer-suit exception,” which counsels in favor of staying proceedings against a customer in favor of co-pending lawsuits between the patentee and manufacturer or service provider, thereby promoting judicial economy and efficiency. Further, the factors that courts typically consider when asked to stay proceedings weigh in favor of the requested stay in this case. More specifically, the requested stay will promote the interests of judicial economy, will simplify the issues to be litigated, and will not unfairly prejudice or advantage one party over the other. The grounds for this motion are more-fully stated in the attached Memorandum in Support, which is incorporated herein by reference.

CERTIFICATE OF CONSULTATION

In accordance with Local Rule 7(b)(10), undersigned counsel hereby certifies that counsel for Plaintiff was consulted concerning the instant motion and counsel for Plaintiff informed Defendant that Plaintiff opposes the requested stay of proceedings.

Dated: March 11, 2021.

Respectfully submitted,

By: s/ Byron N. Brown IV

Byron N. Brown IV (MS Bar No. 101640)
Matthew M. Lubozynski (*pro hac vice*)
WYATT, TARRANT & COMBS, LLP
6070 Poplar Ave., Suite 300
Memphis TN 38119-3907
(901) 537-1000
bbrown@wyattfirm.com
mlubozynski@wyattfirm.com

Jared J. Braithwaite (*pro hac vice*)
MASCHOFF BRENNAN
111 Main Street, Suite 600
Salt Lake City, Utah 84111
(801) 297-1850
jbraithwaite@mabr.com

Attorneys for Defendant
Huddle House, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on March 11, 2021, a true and correct copy of the foregoing has been served upon the following counsel, via the Court's ECF filing system:

Frank J. Dantone
Henderson Dantone, P.A.
241 Main St.
P.O. Box 778
Greenville, MS 38702

s/ Byron N. Brown IV